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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,079	10/25/2001	Jay S. Dweck	G08.008	3920

28062 7590 05/03/2006

BUCKLEY, MASCHOFF, TALWALKAR LLC  
5 ELM STREET  
NEW CANAAN, CT 06840

EXAMINER

RHODE JR, ROBERT E

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/036,079		DWECK, JAY S.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Rob Rhode		3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 20-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant amendment of 2-06-06 canceled claims 1 - 19.

Currently, claims 20 - 26 are pending.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 20 – 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burge (US 6,014,638) in view of “Thin clients: back to the future”; Jeff Richardson; InTech; Sep 2001 (hereafter referred to as “Thin”).**

Regarding claim 20 and related claim 24, Burge teaches a device and method for operating a computing device to allow a user to interact with network sites over a network interface, the method comprising:

initiating operation of user interface software on said computing device;

automatically configuring said user interface software using a set of stored preference

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information, said preference information including a ranking of preferred ones of said plurality of network sites, said ranking previously established based on characteristic information automatically measured based on previous network activity of said user; operating said user interface software to interact with a plurality of network sites', updating said characteristic information based on said detected network activity, said characteristic information including information identifying the duration and frequency of visits to each of said plurality of network sites; and updating said preference information based on said updated characteristic information to automatically reconfigure user preferences of said user interface (see at least Abstract, Col 1, lines 7 – 16, Col 3, lines 1 – 17, Col 5, lines 50 – 67, Col 6, lines 1 - 8 and 50 – 67, Col 8, lines 13 – 44 and Figure 2B).

Burge discloses the limitations of claims 20 and 24, which deliver the same results for the end user - with the exception of storing of instructions and results at the computing device.

On the other hand and known to one of ordinary skill that the system implementation regarding the location of the storing of the instructions to be executed by the processor can either be executed at the client or server is design/implementation decision based on requirements and is a tradeoff, which often is undertaken. For example, the decision to use "fat" clients vs. "thin" clients is often undertaken based on requirements and current hardware to decide where the instructions are to be executed. Thereby, the

execution of the stored instructions by the processor/system and this tradeoff is based on requirements such as cost where the processing of instructions will occur and therefore is a design decision and this is taught by "Thin clients: back to the future"; Jeff Richardson; InTech; Sep 2001.

It would have been obvious to one of ordinary skill in the art to have extended the computer device and method of Burge with a computing device with instructions stored at the computing device for configuring, operating, detecting, and updating as taught by "Thin". Thereby, the user will be able to perform the same computing instructions at the user's computing device, which will lower/decrease the amount of computing capability required at a central server and thereby too decrease cost for each network site's investment in computing hardware such as additional servers.

Please note that Burge teaches a method and computing device with software instructions adapted to detect, track and prioritize/rank network activity. While Burge does not specifically disclose the word ranking, the reference does teach arranging selected sites in order of preference determined from user navigation. Moreover and from the Applicant's specification (page 13), the specification discloses that ranking can be based on frequency of visiting a site (cnn.com) and thereby indicates it is a preferred site. In that regard and in keeping with Applications specification, the teachings in Burge were considered equivalent (Col 2, lines 7 – 13 and Col 8, lines 21 – 30). In addition, these above arguments also apply to claims 25 and 26.

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Regarding claim 21, Burge teaches a computing device, wherein said characteristic information further includes information identifying at least one of:

(i) a network site with the greatest frequency of visits by said computing device; (ii) a network site having the greatest time spent by said computing device (Col 8, lines 41 – 42); (iii) a network site having the greatest number of downloads by said computing device; (iv) a network site for which said computing device selected the largest window size; and (v) a network site having the greatest number of keystrokes interaction by said computing device.

Regarding claim 22, Burge teaches a computing device, wherein said preference information further stores at least one alternative network site for at least one of said ranked network sites (Col 9, lines 17 – 25).

Regarding claim 23, Burge teaches a computing device, wherein said network activity is detected by monitoring at least one of (i) a time spent at a network site; (ii) a frequency of communications with a network site; (iii) a number of downloads from a network site; (iv) a window size while in communication with a network site; (v) a number of keystrokes while in communication with a network site (Col 6, lines 50 – 67).

### ***Response to Arguments***

Applicant's arguments with respect to claims 20 - 26 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art is "Taming the desktop"; Cynthia Morgan; Computerworld: Apr 19, 1999, which discloses the tradeoff's of thin vs. fat clients.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **571.272.6761**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Yogesh Garg** can be reached on **571.272.6756**.

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

**Alexandria, Va. 22313-1450**

or faxed to:

**571-273-8300** [Official communications; including  
After Final communications labeled  
"Box AF"]

For general questions the receptionist can be reached at  
**571.272.3600**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

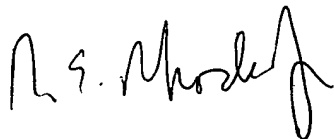
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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RER

A handwritten signature in black ink, appearing to read "R. S. Mordley". The signature is fluid and cursive, with a large, stylized initial "R" and a long, sweeping underline.